

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIRK ALAN THOMPSON,

Plaintiff,

V.

STAFFORD CREEK CORRECTIONS
CENTER, et al.,

Defendants.

CASE NO. C09-5502BHS

ORDER ADOPTING REPORT AND RECOMMENDATION

15 This matter comes before the Court on the Report and Recommendation of the
16 Honorable J. Richard Creatura, United States District Magistrate Judge, dated May 20, 2010
17 (Dkt. 20), and Plaintiff's objections to the Report and Recommendation, dated June 1, 2010
18 (Dkt. 21). The Court has considered the Report and Recommendation, Plaintiff's objections,
19 Defendants' response, and the remaining record, and hereby adopts the Report and
20 Recommendation for the reasons stated herein.

22 The Magistrate Judge recommends that this action for unauthorized deprivation of
23 personal property be dismissed because the state provides an adequate post-deprivation
24 remedy. When a state provides an adequate post-deprivation remedy for an unauthorized
25 taking of property, there is no cause of action pursuant to 42 U.S.C. §1983. *Hudson v.*
26 *Palmer*, 468 U.S. 517 (1984).

28 ORDER - 1

1 Plaintiff's objection lacks merit, as the claim for relief pursuant to a criminal statute is
2 not cognizable. *See Rockefeller v. U.S. Court of Appeals Office for Tenth Circuit Judges*,
3 248 F. Supp. 2d 17, 23 (D.D.C. 2003).

4 Therefore, it is hereby **ORDERED** as follows:

5 (1) The Court adopts the Report and Recommendation; and
6 (2) Defendant Crain's motion to dismiss (Dkt. 15) is **GRANTED**. This dismissal
7 counts as a strike pursuant to 28 U.S.C. 1915 (g), as it is for failure to state a
8 claim.

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10 DATED this 25th day of June, 2010.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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